

CABINET FOR HEALTH SERVICES

Commission for Children with Special Health Care Needs

Health and Development Division

911 KAR 2:130. Kentucky Early Intervention Program assessment and service planning.

RELATES TO: 34 CFR 303, 20 USC 1471-1485

STATUTORY AUTHORITY: KRS 194A.030(7), 194A.050, 200.650-676, 34 CFR 303.322, 303.340-303.346, 20 USC 1473

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services is directed by KRS 200.650 to 200.676 to administer funds appropriated to implement provisions, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation establishes the provisions of assessment and the Individualized Family Service Plans used in First Steps, Kentucky's Early Intervention Program.

Section 1. Assessment.

- (1) Initial assessment activities shall occur after the establishment of a child's eligibility for First Steps and prior to the initial IFSP in accordance with 911 KAR 2:120, Section 1.
 - (a) An initial assessment shall occur within the areas of development that were determined to be below the normal range as identified on the primary level evaluation.
 - (b) The following shall complete an assessment:
 1. A discipline most appropriate to assess the area of documented delay and of which the family has the greatest concern; and
 2. The fewest additional disciplines as needed to assess the other areas identified as delayed.
 - (c) If a child is eligible due to an established risk condition of hearing loss, an assessment shall be performed by a speech therapist.
- (2) Assessment shall be the on-going procedure used by personnel meeting the qualifications established in 911 KAR 2:150 throughout the period of a child's eligibility for First Steps. An assessment shall reflect:
 - (a) The child's unique strengths and needs;
 - (b) The services appropriate to meet those needs;
 - (c) The family's resources, priorities and concerns which shall be:
 1. Voluntary on the part of the family;
 2. Family-directed; and
 3. Based on information provided by the family through personal interview; and
 - (d) The supports and services necessary to enhance the family's capacity to meet the developmental needs of their child.
- (3)
 - (a) Assessments shall be ecologically valid and reflect appropriate multisource and multimeasures. One (1) source or one (1) measure shall not be used as the sole criterion for determining an intervention program. Assessment methods shall include direct assessment and at least one (1) of the following:
 1. Observations shall:
 - a. Take place over several days if possible;
 - b. Occur in natural settings;
 - c. Include play and functional activities of the child's day; and
 - d. Be recorded in a factual manner.
 2. Interview and parent reports shall:
 - a. Involve the use of open-ended questioning after the assessor establishes rapport; and
 - b. Be provided by parents and other primary caregivers.
 3. Behavioral checklist and inventories:
 - a. Shall be completed by caregivers by mail, phone or through face-to-face interview; and
 - b. Shall allow for comparison across settings.
 - (b) Direct assessment shall include one (1) or more instruments:
 1. That are appropriate for an infant or toddler and that allows for adaptations for a disability as needed; and
 2. That is criterion-referenced, which compares the child's level of development with skills listed in a chronological sequence of typical development.
 - (c) In order for a therapeutic intervention to be provided in the area of delay identified by the developmental evaluation, the assessment instrument shall indicate that the child's development is

- below the instrument's normal range for that instrument for a child his age.
- (4) If after the initial assessments are completed, the IFSP team determines that a subsequent assessment is warranted, the following shall be documented on the IFSP:
- (a) The parent has a documented concern that would necessitate another assessment;
 - (b) Why there is not a current provider on the IFSP team that can assess the area of concern; and
 - (c) What has changed in the child's ability to warrant the subsequent assessment.
- (5) A service coordinator shall be required to obtain a physician's or ARNP's written consent in order to complete an assessment on a child deemed medically fragile. The consent shall be specific as to the skill areas that may be assessed.
- (6) The written assessment report shall include:
- (a) A description of the assessment instruments used in accordance with subsection (3)(b) of this Section;
 - (b) A description of the assessment activities and the information obtained, including information gathered from the family;
 - (c) Identifying information:
 - 1. The central billing and information identification number; or
 - 2. The child's Social Security number; and
 - 3. The name of the child;
 - 4. The child's age at the date of the assessment;
 - 5. The name of the service provider and discipline;
 - 6. The date of the assessment;
 - 7. The setting of the assessment;
 - 8. The state of health of the child during the assessment;
 - 9. The parent's assessment of the child's performance in comparison to abilities demonstrated by the child in more familiar circumstances;
 - 10. The medical diagnosis if the child has an established risk condition;
 - 11. The formal and informal instruments and assessment methods and activities used;
 - 12. Who was present for the assessment; and
 - 13. The signature of the assessor;
 - (d) A profile of the child's level of performance, in a narrative form and shall indicate:
 - 1. Concerns and priorities;
 - 2. Child's unique strengths and needs;
 - 3. Skills achieved since last report, if applicable;
 - 4. Emerging skills; and
 - 5. Direction of future service delivery;
 - (e) Suggestions for strategies, materials, settings, equipment or adaptations that shall support the child's development in natural environments; and
 - (f) Information that shall be helpful to the family and other providers in building on the team's focus for the child and family.
- (7) (a) The initial assessment, other formal assessments and their resulting report shall be completed within ten (10) working days of the provider receiving the complete written assessment referral from the service coordinator. The complete referral assessment request shall include:
- 1. The point of entry's intake and child history documentation;
 - 2. The Point of Entry Update Form; and
 - 3. The primary level evaluation report; or
 - 4.
 - a. If an IFSP is in place, page 1 of the IFSP (Form 10) authorizing the assessment;
 - b. The IFSP Meeting-Summary Sheet Services Form; and
 - c. The primary level evaluation report.
- (b) The provider who performed the assessment shall:
- 1. Verbally share the assessment report with the family and shall document the contact in the assessor's notes;
 - 2. Provide the written report to the family and the service coordinator within the time frame established in paragraph (a) of this subsection; and
 - 3. Write the report in family-appropriate language that the child's family can easily understand.
- (c) If the timeframe established in paragraph (a) of this subsection is not met due to illness of the child or a request by the parent, the assessor shall document the delay circumstances in his staff notes with supportive documentation made in the child's record by the service coordinator.
- (8) Information gathered in the assessment shall be used to determine the service decisions included in the

individualized family service plan (IFSP).

- (9) (a) A child enrolled in First Steps shall receive an assessment as an integral part of service delivery.
 - (b) Assessment shall be ongoing in the First Steps Program to ensure concerns and strategies are focused to meet the child and family's current needs. An assessment provided as a general practice of a discipline, not due to the child or family's needs, shall be considered therapeutic intervention, not an assessment.
 - (c) Ongoing assessment shall ensure that the IFSP and services are flexible and accessible.
- (10) Ten (10) calendar days prior to the earlier of the annual and six (6) month review of the IFSP or the expiration date of the IFSP, a service provider shall supply progress reports to the primary service coordinator and family.

Section 2. Individualized Family Service Plan (IFSP).

- (1) The signed IFSP shall be a contract with the family and providers; therefore, a service included on the IFSP shall be provided unless the family chooses not to receive the service.
 - (2) The First Steps IFSP Form shall be used to record the IFSP. Items on the IFSP form shall be completed as instructed on the form. The accompanying initial IFSP documentation shall include:
 - (a) Appropriate evaluation reports in accordance with 911 KAR 2:120, Section 1 and assessments reports in accordance with this section;
 - (b) Covered services identified; and
 - (c) Signed approval by the IFSP team that shall include individuals identified in the responsible party column of the IFSP.
 - (3) (a) With the exception of a situation established in paragraphs (b) and (c) of this subsection, an authorized IFSP is valid for a period not to exceed six (6) months in length. An amendment that occurs to the IFSP shall be valid for the remaining period of the plan.
 - (b) If an IFSP is expected to expire within twenty-one (21) calendar days of a child turning age three (3), an extension of the current IFSP shall be granted if the service coordinator provides the payment authorization coordinator at the Louisville CSHCN office with the following information:
 - 1. A copy of the transition plan developed at the transition conference held at least ninety (90) calendar days prior to the child turning three (3);
 - 2. A list of who attended the transition conference;
 - 3. A copy of the IFSP that is expiring or has expired; and
 - 4. A letter indicating that the:
 - a. IFSP team agrees with the decision to extend the IFSP; and
 - b. Parents are aware that they have the option of:
 - (i) Having an IFSP team meeting; or
 - (ii) Waiving their right to meet as an IFSP team.
 - (c) If an IFSP team meeting cannot be scheduled and convened prior to the current IFSP expiring, an extension may be authorized if the service coordinator provides the following information to the CSHCN:
 - 1. A letter requesting an extension of the current IFSP, including the dates the extension is to cover;
 - 2. A detailed description of attempts made to hold an IFSP meeting and the reasons why the meeting cannot be held prior to the expiration of the current IFSP;
 - 3. The scheduled date that the next IFSP meeting shall take place;
 - 4. A copy of the current IFSP that has expired or is expiring, with amendments; and
 - 5. Copies of the current progress reports from the IFSP team.
 - (d) If a family chooses not to receive a service included on the IFSP, for reasons such as illness or an inability to keep an appointment, the service provider shall document the circumstances in his staff notes.
- (4) The following shall be adhered to in the development and implementation of the IFSP. IFSP team members shall:
- (a) Provide a family-centered approach to early intervention;
 - (b) Honor the racial, ethnic, cultural, and socioeconomic diversity of families;
 - (c) Show respect for and acceptance of the diversity of family-centered early intervention;
 - (d) Allow families to choose the level and nature of early intervention's involvement in their lives;

- (e) Facilitate and promote family and professional collaboration and partnerships to family-centered early intervention and to successful implementation of the IFSP process;
 - (f) Plan and implement the IFSP using a team approach;
 - (g) Reexamine their traditional roles and practices and develop new practices as appropriate that promote mutual respect and partnerships;
 - (h) Ensure that First Steps services are flexible, accessible and responsive to family-identified needs;
 - (i) Ensure that families have access to services provided in as normal a fashion and environment as possible and that promote the integration of the child and family within the community.
- (5) For a child that has been evaluated for the first time and determined eligible in accordance with 911 KAR 2:120, a meeting to develop the initial IFSP shall:
- (a) Be conducted within forty-five (45) days after the Point of Entry receives the referral; or
 - (b) If the initial IFSP meeting does not occur within forty-five (45) days due to illness of the child or approval to delay by the parent, the delay circumstances shall be documented on the IFSP.
- (6) The IFSP shall be reviewed for a child and the child's family by convening a meeting at least every six (6) months. An IFSP team meeting shall be convened more frequently if:
- (a) The family requests such a review;
 - (b) The child's condition changes;
 - (c) Except for a situation established in subsection (7)(f) or (g) of this section, a service provider identified on the IFSP form changes; or
 - (d) Except for a situation established in subsection (7)(c) of this section, a member of the IFSP team determines there is a need to increase the intensity, frequency or duration of a service.
- (7) An IFSP meeting to amend the IFSP shall not be required; however, the service coordinator shall obtain written approval or verified verbal approval from team members and shall document the means of obtaining the approval on the IFSP, as well as the team members documenting the contact and approval in their staff notes, if:
- (a) A child is discharged from:
 1. A service due to achieving developmental milestones in that area; or
 2. The First Steps Program;
 - (b) There is a decrease in the frequency, intensity or duration of a service;
 - (c) The frequency of a service increases but not the number of units, such as changing from once a week for one (1) hour to twice a week for thirty (30) minutes;
 - (d) A member of the IFSP team determines that an additional assessment is needed;
 - (e) The family requests transportation services;
 - (f)
 1. A service provider will be on leave;
 2. The current IFSP indicates who the replacement shall be;
 3. The replacement provider does not change the outcomes identified on the current IFSP; and
 4. The family agrees;
 - (g)
 1. A primary service coordinator changes at the request of the previous primary service coordinator or the family;
 2. The replacement primary service coordinator does not change the outcomes identified on the IFSP;
 3. The family agrees to the primary service coordinator change; and
 4. The primary service coordinator notifies the team members of the change;
 - (h) A team member changes provider numbers and the family wishes to retain that team member's services; or
 - (i) An assistive technology device is ordered after an IFSP meeting was held at which the team members agreed that a specific assistive technology device was needed and strategies and activities were identified in the plan to meet the outcomes.
- (8) With the approval of the family, the primary service coordinator shall arrange a conference to discuss the transition of the family from the program. The conference shall be conducted at least ninety (90) days before the child's third birthday and shall include:
- (a) The family;
 - (b) A representative of the local education agency and representatives of other potential settings;
 - (c) The primary service coordinator as a representative of the First Steps Program;
 - (d) Others identified by the family; and
 - (e) Current service providers.
- (9) The IFSP shall include:

- (a) A summary of family rights handbook, signed statement of assurances by the family, and statement signed by the parent that complies with KRS 200.664(6).
- (b) Information about the child's present level of developmental functioning. Information shall cover the following domains:
 1. Physical development that includes:
 - a. Vision;
 - b. Hearing;
 - c. Fine and gross motor skills; and
 - d. Health status and immunization of the child;
 2. Cognitive development that include skills related to a child's mental development and includes basic sensorimotor skills, as well as preacademic skills;
 3. Communication development that includes skills related to exchanging information or feelings', including receptive and expressive communication and communication with peers and adults;
 4. Social and emotional development that includes skills related to the ability of infants and toddlers to successfully and appropriately select and carry out their interpersonal goals. These include:
 - a. Parent and infant bonding;
 - b. Interactions with peers and adults;
 - c. Play skills;
 - d. Self-concept development; and
 - e. Bonding with family members;
 5. Adaptive development that includes self-help skills necessary for independent functions that include:
 - a. Self-feeding;
 - b. Toileting; and
 - c. Dressing and grooming;
- (c) Performance levels to determine strengths which can be used when planning instructional strategies to teach skills;
- (d) A description of:
 1. Underlying factors that may affect the child's development; and
 2. What motivates the child, as determined on the basis of observation, child interaction and parent report;
- (e) With concurrence of the family, a statement of the family's resources, priorities and concerns related to enhancing the development of the child;
- (f)
 1. A statement of the major outcomes expected to be achieved for the child and family, and the criteria, procedures, and time lines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary. Outcome and strategy statements shall:
 - a. Be functionally stated;
 - b. Be representative of the family's own priorities;
 - c. Fit naturally into the family's routines or schedules;
 - d. Reflect the use of the family's own resources and social support network; and
 - e. Be flexible to meet the child and family's needs in expanded current and possible future environments.
 2. Strategy and activity statements that shall be practical suggestions that assist the family and other team members in achieving the family's desired outcome for the child and family.
 - a. Typically strategies shall refer to the steps or methods a family and team will use to accomplish the outcomes;
 - b. Activities shall refer to what will be done to embed strategies into the routines or regular events that occur in the child's natural environment;
 - c. The strategies and activities area shall include criteria of how the outcomes shall be measured to determine mastery or progress and shall be developmentally appropriate, functional, valued by others, realistic and achievable and promote generalized use of skill.
- (g)
 1. The specific First Step services necessary to meet the unique needs of the child and family to achieve the outcomes. Service documentation shall be stated in frequency, intensity,

- duration, location and method of delivering services; and shall include payment arrangements, if any.
2. With the exception of group intervention, and unless prior authorization is granted in accordance with 911 KAR 2:200, Section 4, based on individual needs of the child, the frequency and intensity for therapeutic intervention for each child shall not exceed one (1) hour per discipline per week for the following disciplines:
- Audiologist;
 - RN or LPN;
 - Nutritionist or dietician;
 - Occupational therapist or occupational therapist assistant;
 - Orientation and mobility specialist;
 - Physician;
 - Physical therapist or physical therapist assistant;
 - Psychologist, certified psychologist with autonomous functioning, psychological associate, family therapist, or licensed social worker;
 - Speech language pathologist or speech language pathologist assistant;
 - Teacher of the visually impaired;
 - Teacher of the deaf and hard of hearing; or
 - Developmental interventionist, developmental assistant or developmental associate.
3. a. Describe the natural environment, which includes natural settings and service delivery systems, in which the early intervention service is to be provided;
- b. How the skills shall be transferred to a caregiver so that the caregiver can incorporate the strategies and activities into the child's natural environment; and
- c. How the child's services may be integrated into a setting in which other children without disabilities participate.
4. If the service cannot be provided in a natural environment, the IFSP shall be documented with the reason.
- (h) The projected dates for initiation of the services, and the anticipated duration of those services;
- (i) Other services that the child needs, such as medical services or housing for the family, that are not early intervention services. The funding sources and providers to be used for those services or the steps that will be taken to secure those services through public or private resources shall be identified;
- (j) The name of the primary service coordinator chosen to represent the child's or family's needs. The Primary Service Coordinator shall be responsible for the implementation of the IFSP and coordination with other agencies and persons in accordance with 911 KAR 2:140, Section 1(6);
- (k) The steps to be taken to support the transition of the child to preschool services provided by the public educational agency, to the extent that those services are considered appropriate, or to other services that may be available, if appropriate;
- With approval of the family, a transition conference shall occur at least ninety (90) days prior to the child's third birthday;
 - The transition conference shall involve:
 - IFSP team members;
 - Staff from the local public educational agency; and
 - Other agencies at the family's request that could be potential service agencies after the child turns three (3);
 - The conference shall be held to review program options for the child at age three (3) and to write a plan, through the IFSP, for transition. The service coordinator shall chair this meeting;
- I. Documentation substantiating the following if the child is being provided group intervention:
- If the child is enrolled in day care or attending a group during normal routines, why the therapeutic intervention cannot be provided in the child's current group setting;
 - Therapeutic intervention during group shall be directly related to the child's individualized strategies and activities as identified on the IFSP.
- (10) If the IFSP team determines that a therapeutic intervention service shall be provided using a transdisciplinary team approach, the IFSP, provider notes and progress documentation shall include:
- Which disciplines are providing the therapy using this approach;

- (b) Evidence of transdisciplinary planning and practice, including documentation of how role-release is occurring;
 - (c) How the skills are being transferred so that one (1) provider is capable of providing the services previously provided by the team; and
 - (d) That the service is individualized to the particular family and child's needs;
 - (e) If more than one (1) provider is present and providing therapeutic intervention services at the same time using a cotreatment approach, the providers shall clearly reflect on the IFSP and staff notes:
 1. Why this approach is being used;
 2. The outcomes and activities;
 3. Who is performing what activities; and
 4. That the service providers involved are providing therapeutic intervention at the same time.
- (11) The family shall be encouraged to discuss their child's activities, strengths, likes and dislikes, exhibited at home;
- (12) The IFSP shall highlight the child's abilities and strengths, rather than focusing just on the child's deficits;
- (13) Every attempt shall be made to explain the child assessment process by using language the family uses and understands;
- (14) The families may agree, disagree, or refute the assessment information;
- (15) The family's interpretation and perception of the assessment results shall be ascertained and the family's wishes and desires shall be documented as appropriate.
- (16) If an agency or professional not participating on the IFSP team but active in the child's life makes a recommendation for an early intervention service, it shall not be provided as a First Steps service unless the IFSP team considers the recommendation, verifies it relates to a chosen outcome, and agrees to it.

Section 3. Incorporated by Reference.

- (1) First Steps Individualized Family Service Plan (IFSP), October 28, 1998 is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Commission for Children with Special Health Care Needs, 982 Eastern Parkway, Louisville, Kentucky 40217, Monday through Friday, 8 a.m. to 4:30 p.m.

Section 4. The provisions included in this administrative regulation shall be effective with services provided on or after October 1, 2003.